

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TIFFANY SCOTT	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION
	)	FILE NO.: <u>2:22-CV-207-RWS</u>
FEDERAL EXPRESS CORPORATION)	)	
	)	
Defendant.	)	

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**COMPLAINT**

COMES NOW, Ms. Tiffany Scott, Plaintiff, in the above-styled matter and files this Complaint for Damages against Defendant Federal Express Corporation showing the Court as follows:

**PARTIES**

1. Plaintiff Tiffany Scott is a citizen and resident of Bibb County, Georgia.
2. Defendant Federal Express Corporation., is registered with the United States Department of Transportation as a common carrier. Defendant Federal Express Corporation., is a Tennessee corporation registered to do business within the state of Tennessee, with its physical office in Shelby County, Tennessee. Federal Express Corporation, can be served with legal process through its registered agent, The Corporation Company (FL), 106 Colony Park Dr., Ste. 800-B, Cumming, GA, 30040.

**I. JURISDICTION AND VENUE**

6. The Complaint filed in this matter alleges an amount in controversy in excess of \$75,000.00.
7. Venue is proper in said district pursuant to 28 U.S.C. § 1332(a).

**II. STATEMENT OF FACTS**

8. On or about November 11, 2020, Plaintiff was traveling eastbound on Columbus Rd. in Bibb County, Georgia. Without notice, Terrell T. Smith, Jr., while in the scope of his employment with Defendant Federal Express Corporation, failed to maintain control of his vehicle and crashed the sprinter he was driving on behalf of the Defendant, Federal Express Corporation, into the rear Christopher L. Patterson which in turn crashed into Plaintiff's vehicle.
9. Defendant, Federal Express, by and through their employee Terrell T. Smith Jr., failed to keep a safe distance between their vehicles and that of Christopher L. Patterson and Plaintiff's vehicle which caused the wreck that forms the basis of this action.

**COUNT I NEGLIGENCE AS TO DEFENDANT**

10. The Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 9 as if fully alleged herein.

11. Defendant, by and through their employee Terrell T. Smith, Jr., owed a duty to others on the roadway to operate their sprinter in a reasonably safe manner and to avoid causing unnecessary harm on the roadway.
12. Defendant, by and through their employee Terrell T. Smith, Jr., breached this duty when they caused the sprinter they were operating to collide with Plaintiff's vehicle.
13. As a direct and proximate result of Defendant negligence, by and through their employee Terrell T. Smith, Jr., Plaintiff suffered bodily injury and other general damages for which a recovery is authorized under federal law.

## **COUNT II**

### **IMPUTED LIABILITY AS TO FEDERAL EXPRESS CORPORATION.**

14. The Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 13 as if fully alleged herein.
15. Defendant Federal Express Corporation's employee Terrell T. Smith, Jr., was negligent and/or reckless in the operation of the sprinter on behalf of Defendant Federal Express Corporation. and failing to maintain a proper lookout for Plaintiff's vehicle.
16. As a direct and proximate result of Defendant's negligence, by and through their employee Terrell T. Smith, Jr., Plaintiff suffered bodily injury and other general damages for which a recovery is authorized under federal law.

17. At the time of the subject collision, Terrell T. Smith Jr., was under dispatch for, and/or operating his sprinter within the course and scope of his employment with Federal Express Corporation.

18. Defendant Federal Express Corporation is a Tennessee based interstate trucking corporation operating a fleet of trucks. Defendant Federal Express Corporation, Inc., is registered with the United States Department of Transportation, hauling general freight, for hire. Pursuant to federal and state laws, and under the doctrines of lease liability, agency, or apparent agency, Defendant Federal Express Corporation., is responsible for the actions of Terrell T. Smith, Jr., for the collision described in this Complaint.

### **COUNT III**

#### **NEGLIGENT HIRING, TRAINING & SUPERVISION BY DEFENDANT FEDERAL EXPRESS CORPORATION.**

19. The Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 18 as if fully alleged herein.

20. Defendant Federal Express Corporation was negligent in hiring Terrell T. Smith Jr. and entrusting him to drive a commercial vehicle.

21. Defendant Federal Express Corporation was negligent in failing to properly train Terrell T. Smith, Jr.

22. Defendant Federal Express Corporation's negligence in hiring Terrell T. Smith, Jr., entrusting him to drive a commercial vehicle, and failing to train and supervise him properly were the proximate cause of the collision at issues and the injuries to Plaintiff.

## **COUNT VIII**

### **DAMAGES**

23. The Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 22 as if fully alleged herein.

24. Plaintiff Tiffany Scott suffered personal injury, pain and suffering, psychological stress and accumulated medical bills in excess of \$40,000.00: Sentry Anesthesia Management: \$7,015.00; Macon Orthopedic and Hand Center: \$22,105.00; Coliseum Medical Center: \$12,241.00 "but for" Defendant breaching the standard of care exercised by reasonable and prudent commercial motor carriers.

25. Defendant's driving was the cause-in-fact of the wreck.

WHEREFORE, Plaintiff pray as follows:

- (a) Require Defendants to answer this Complaint.
- (b) That Plaintiffs receive a trial by a fair and impartial jury of twelve members;
- (c) That Plaintiff Tiffany Scott obtain a judgment for damages for her injuries, pain, suffering and damages against Defendants in a sufficient amount in

excess of \$100,000.00 to compensate Plaintiff for her injuries, suffering and damages.

(e) That all costs of this action be assessed against Defendant.

(d) For all other relief, this Honorable Court deems necessary for the full administration of justice.

This 13<sup>th</sup> day of October 2022.

**BROWN BARNWELL**

*/s/ C. Napoleon Barnwell*

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C. Napoleon Barnwell  
Georgia Bar No. 728188  
Attorney for Plaintiff

BROWN BARNWELL, P.C.  
6113 Saratoga Blvd  
Suite F132  
Corpus Christi, TX 78414  
T: (843) 422-2057  
F: (470) 397-5103  
[napoleon@brownbarnwell.com](mailto:napoleon@brownbarnwell.com)